



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MON, OCTOBER 13, 2008
7:00P.M.**

OPENING MATTERS

CALL TO ORDER

INVOCATION: Pastor Randy Mendez, Iglesia Evan. Vida Nueva Church

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendation

- Recognizing Columbus Day

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

APPROVAL OF AGENDA

AGENDA: Council Meeting of October 13, 2008

MINUTES: Council Meeting of September 22, 2008

Consent Agenda Legislation

Resolution - that the Mayor is authorized to file an application for RACP funds in the amount of \$5,000,000.00 for the Albright College Science Center. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania **(Man Dir)**

Resolution - authorizing the scheduling of a Public Hearing on Wednesday, November 19, 2008, the Advertisement of, and forwarding for comment the proposed amendment to the Zoning Ordinance which will add a Definition Of Personal Care Home, Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts and to correct And Add The Requirements of Residential Care Facility as a Conditional Use **(Council Staff)**

Resolution - authorizing the scheduling of a Public Hearing on Wednesday, November 19, 2008, the Advertisement of, and forwarding for comment the proposed amendment to the Zoning Ordinance which will prohibit rental housing – single family and multi-family – in the R-1, R-1A and R-2 (low density residential) zoning districts **(Council Staff)**

ADMINISTRATIVE REPORTS

REPORT FROM OFFICE OF THE AUDITOR

REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

Reading Area Water Authority – Dean Miller

ORDINANCES FOR FINAL PASSAGE

Bill No. 63-2008 - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor) Introduced at the September 22 regular meeting**

Bill No. 64-2008 Ordinance - Amending the 2008 City Of Reading Full-Time Position Ordinance by Eliminating and Creating Positions as Outlined Herein (**Man Dir**) *Introduced at the September 22 regular meeting*

Bill No. 65-2008 Ordinance - Amending Bill No 55-2008, Bill No. 54-2008, and Bill No. 43-2008 amending Chapter 11 – Housing - Rental - of the City of Reading Codified Ordinances by changing the section numbering to match that used in the Codified Ordinance Book (**Law Dept**) *Introduced at the September 22 regular meeting*

Bill No. 66-2008 Ordinance - to amend the City of Reading Zoning Ordinance by amending the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and correcting the requirements of Residential Care Facility as a Conditional Use (**Law Department**) *Introduced at the August 20 special meeting; public hearing held October 8th*

Bill No 58-2008 – Requiring the POW MIA flag be flown at all City owned public buildings (**Fuhs**) *Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council*

Pending
Advertisement and Public Hearing Required by MPC
Notice of Pending Ordinance Doctrine

Ordinance – amending the Zoning Ordinance by prohibiting rental uses in the R-1, R-1A and R-2 Zoning Districts (**Councilor Marmarou & Council Staff**) *Introduced at the March 24 regular meeting of Council*

Pending – Further Review Required

Bill No. 26-2008 - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (**Council Pres. Spencer- Council Staff**) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting*

Ordinance - amending the FY 2006-2012 capital improvement plan for the City of Reading (**Finance Department**) *Introduced at the June 23 regular meeting; Referred to the Finance & Public Works Committees; Referred to the 9-2 Public Safety Committee*

Ordinance - amending 1-271 of the City of Reading Personnel Code (Salary Administration) by amending the Salary Range for the Community Development Director (**Managing Director**) *Introduced at the September 8 regular meeting of Council*

Bill No 59-2008 – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors (**Council Staff**) *Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council; referred to the Committee of the Whole*

INTRODUCTION OF NEW ORDINANCES

Ordinance - Authorizing The Mayor To Execute A “Certification And Consent Of Landlord” Thereby Evidencing The City Of Reading’s Consent To The Assignment Of The Revised And Restated Lease Agreement For Reading Municipal Memorial Stadium Dated October 25, 1999, As Amended On August 28, 2000, And January 26, 2004, From E & J Baseball Club, Inc., Trading As The Reading Phillies Baseball Club, A Pennsylvania Corporation, To Reading Baseball LP, A Pennsylvania Limited Partnership (**Law**)

Ordinance - setting the Salary of the Community Development Director at \$85,000 (**Managing Director**)

Ordinance – amending the 2008 Bond Swap for the 2006 General Obligation Bonds (**Man Dir**)

Ordinance – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. (**Marmarou-Council Staff**)

Ordinance - An Ordinance Amending The City Of Reading Zoning Ordinance Per Exhibit “A,” To Amend The Definitions Of Life Care Retirement Facility And Nursing Home, To Add Definition Of Personal Care Home, To Provide The Use Of Life Care Retirement Facility And Nursing Home As A Special Exception And Requirements Therefore In The City Of Reading R-2 (Residential), R-3 (Residential) And C-R (Commercial Residential) Zoning Districts And To Correct And Add To The Requirements Of Residential Care Facility As A Conditional Use (**Law Dept**)

RESOLUTIONS

Resolution - Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 521 Douglass Street, owned by Bette Birmingham (**Council Staff**)

PUBLIC COMMENT - GENERAL MATTERS

COUNCIL BUSINESS / COMMENTS

COUNCIL MEETING SCHEDULE

Monday, October 13

Meeting with the Mayor – Mayor’s Office - 4 pm
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

Tuesday, October 14

LRA Executive Session – Penn Room 5 p.m.

Monday, October 20

Meeting with the Mayor – Mayor’s Office – 4 pm
Public Hearing Capital Improvement Program – Council Chambers – 5 pm
Public Works Committee – Council Office – 5:30 pm
Administrative Oversight Committee – Council Office – 5:30 pm
Work Session – Penn Room – 7 pm

Tuesday, October 21

Public Hearing General Fund Budget – Council Chambers – 5 pm

Monday, October 27

Meeting with the Mayor – Mayor’s Office – 4 pm
Committee of the Whole – Council Office – 5 pm
Regular Meeting – Council Chambers – 7 pm

BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, October 13

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Fieldhouse – 6:30 pm
Charter Board – Penn Room – 7 pm

Tuesday, October 14

Airport Authority – Airport Authority Office – 8:15 am
RAWA Workshop – Penn Room – 4 pm
15-1 – 928 Pearl Street – 6:30 pm
Planning Commission – Penn Room – 7 pm
Bethany Area Neighborhood Organization – Bethany Baptist Church – 7 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, October 15

Officers and Employees Pension Board – Penn Room – 1:30 pm
Redevelopment Authority – Planning Conference Room – 5:30 pm
Community Hope of the 6th Ward – Lauer's Park Elementary School – 6:30 pm
UNO – Mennonite Church – 7 pm
Centre Park Historic District – Member's Home – 7:30 pm

Thursday, October 16

Convention Center Authority – Sovereign Center CEI Lounge – 7 am
Dare 2 Care – Bethel AME Church – 5:30 pm
Southeast People's Voice – St. John's UCC – 6 pm
Mulberry & Green Citizens Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, October 17

Fire Pension Board – Penn Room – 10 am

Monday, October 20

Library Board – 113 S 4th St – 4 pm

Tuesday, October 21

Park and Recreation Advisory Committee – 3rd & Spruce Rec Center – 5:30 pm
Council of Neighborhoods – 11th & Pike Rec Center – 7:30 pm
HARB – Planning Conference Room – 7:30 pm
Blighted Property Review Committee – Council Office - 6 p.m.

Wednesday, October 22

Parking Authority – Parking Authority Office – 5 pm
District 6 Crime Watch – 13th & Green Elementary School – 6:30 pm
Outlet Area Neighborhood – St. Mark's Lutheran Church – 6:30 pm

18th & Cotton Community Crime Watch – St. Matthew's Church – 7 pm
Northeast Crime Watch – Northeast Library – 7 pm
Stadium Commission – Stadium RBI Room – 7:30 pm

Thursday, October 23

Water Authority – Penn Room – 4 pm
Pendora Park Assn – Pendora Park Fieldhouse – 7 pm

Monday, October 27

DID – Reading Eagle 3rd floor conference room – 1 pm
BARTA – BARTA Office – 4 pm
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm
Penn's Commons Neighborhood Group – Penn Commons Meeting Room – 7 pm
Charter Board – Penn Room – 8 pm

City of Reading City Council

Regular Meeting Monday, September 22, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Reverend Joseph Wilkerson, of the Total Christian Family Center.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor M. Baez, District 5
Councilor J. Waltman, District 6

Mayor T. McMahon
Managing Director R. Hottenstein
Public Works Director C. Jones
City Solicitor C. Younger
City Auditor D. Cituk
Public Works Director C. Jones
City Clerk L. Kelleher
Sgt. At Arms Capt. R. Shaeffer

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing National Hispanic Heritage Month, accepted by Jonathan Encarnacion, of the Hispanic Center.

Mayor McMahon issued Recognizing National Alzheimer's Awareness Month, accepted by Dr. Karen Gurski

Mayor McMahon issued mural artist commendations to the following;

- Mural Artist Commendations presented to:
 - Martha Frutos –RACC – mural on Elm & Moss
 - Luis Beltran – RACC – mural at Reading Iron Playground
 - Ebony Bradley – RHS – mural on Rose & Buttonwood
 - Janelle Sweigart – RHS – mural on Gordon & Greenwich
 - Rachel Stewart – RHS – murals at Angelica dedication and City playgrounds
 - Hannah Christophel – RHS – murals at Angelica dedication and City playgrounds
 - Ed Terrell – “senior muralist” for his work at Barby Playground and with the 6th ward youth

PUBLIC COMMENT

Council President Spencer announced that one citizen was registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rules to allow the citizens to address the body now rather than at then end of the meeting. As no one objected that rule was suspended. Council President reminded the citizen of the remaining public speaking rules.

Ted Chase – of Eckert Avenue, expressed his belief in the enforcement of the Housing and Zoning Regulations and the ability of the City to address problem landlords through the court system. He noted the inaccurate information provided in the letter mailed to residents concerning the new housing permit regulations.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the agenda for this meeting and the minutes from the August 25th and the September 8th Regular Meeting of Council. He noted the need to amend the agenda to add an ordinance for introduction that would re-number all 2008 Bills which amended the Housing Permit Ordinance. He also stated that the adoption of the agenda would also include the legislation under the Consent Agenda heading.

Councilor Fuhs moved, seconded by Councilor Marmarou, to approve the minutes from the August 25th and the September 8th Regular Meetings of Council and the agenda as amended including the legislation under the Consent Agenda Heading. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 97-2008 – That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said renovations and improvements, including, but not limited to, a certain contractual agreement between Land – Tech Enterprises and the City of Reading **(Public Works)**

Resolution 98-2008 – That Mayor Thomas M. McMahon be authorized to execute any and all necessary documents required for the financing of said vehicles, including, but not limited to, a certain contractual agreement between Wachovia Bank and the City of Reading **(Law)**

Award of Contract – to Mr. Rehab, Inc., 3 Long Lane, Mechanicsburg, PA 17050, who is the low bidder, at a total submitted bid price of \$830,714.10 for the sanitary sewer system smoke testing and dyed water tracing **(Purchasing)**

ADMINISTRATIVE REPORT

Managing Director Hottenstein read the report distributed to Council at the meeting covering the following:

- Mayor's Prayer Breakfast scheduled for September 23rd
- Film Festival offered by the Berks Arts Council scheduled for October 2nd and 3rd at Reading Movies 11
- A report on Riverfest

Councilors Goodman–Hinnershitz and Marmarou expressed their hope that the Riverfest event continues.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council covering the following

- Collection of 2008 Admission Fee Tax
- Collection of 2008 Real Estate Transfer tax
- Collection of Malt Liquor Tax between 2003 and 2008

Councilor Goodman–Hinnershitz inquired if the Jehovah's Witness pay admissions tax. City Auditor Cituk stated that admission tax is not paid as this is not a ticketed event. Ms. Kelleher inquired admissions tax would not be due as this group is leasing the facility for their events. Councilor Waltman agreed noting that the lease payment buys them blanket ticket for all who wish to attend. He asked that this topic be placed on the Finance Committee Agenda.

Council President Spencer inquired about the length of the contract with the Jehovah's Witness. Mr. Hottenstein stated that the contract expires either this year or next.

REPORTS FROM DIRECTORS BOARDS, AUTHORITY'S, AND COMMISSIONS

Mr. Spencer announced that the presentation from the Reading Area Water Authority has been postponed due to a schedule conflict.

ORDINANCES FOR FINAL PASSAGE

Ordinance 58–2008 – Requiring the POW MIA flag be flown at all City owned public buildings (Fuhs) *Introduced at the September 8 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz, to table Bill 58–2008

Bill 58–2008 was tables by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7
Nays – 0

Ordinance 59–2008 – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors (Council Staff) *Introduced at the September 8 regular meeting of Council*

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 59–2008

Councilor Baez announced her desire to withdraw the motion to second the enactment of the bill. As no one objected, the motion was withdrawn.

Councilor Waltman moved, seconded by Councilor Baez, to table Bill 59–2008

Bill 59–2008 was tabled by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz Waltman, Spencer, President – 5
Nays –Marmarou, Sterner 2

Councilor Sterner expressed his displeasure that this bill was tabled as the Public Safety Committee has been working on this amendment for approximately six months.

Ordinance 60–2008 – amending the City Of Reading 2008 Full–Time Position Ordinance by eliminating the Community Development Manager position and creating the Community Development Director position (**Managing Director**) *Introduced at the September 8 regular meeting of Council*

Councilor Fuhs moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 60–2008

Managing Direct Hottenstein explained that this ordinance is part of the reorganization to increase the efficiency of the Administration.

Councilor Goodman–Hinnershitz agreed with the proposed reorganization as it will return the structure of this department to its original form.

Council President Spencer noted the need to also make the necessary amendments to the Administrative Code and the Organizational Chart.

Bill 60–2008 was enact by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz Waltman, Marmarou, Sterner, Spencer, President – 7
Nays –0

Ordinance 61–2008 – setting the salary of the Managing Director at \$100,000 (**Mayor**) *Introduced at the September 8 regular meeting of Council*

Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill 61–2008

Mayor McMahon asked Council to support the recommended salary due to the level of experience Mr. Hottenstein brings to the job.

Councilor Waltman stated he will support the ordinance due to the experience of the candidate.

Councilor Fuhs inquired about the salary range for the managing director position. Mr. Hottenstein stated that he believes the salary range is set between \$85,000 and \$115,000.

Bill 61–2008 was enacted by the following vote:

Yeas – Baez, Goodman–Hinnershitz, Marmarou, Sterner, Waltman 5

Nays –Fuhs, Spencer, President 2

Ordinance 62–2008– amending the City of Reading Codified Ordinances, Property Maintenance Code by changing the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance to make it comply with the newly enacted Housing Permit Ordinance (Law Dept)
Introduced at the September 8 regular meeting of Council

Councilor Goodman–Hinnershitz moved, seconded by Councilor Sterner, to enact Bill 62–2008

Bill 62–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7

Nays – 0

Council President Spencer announced Council’s desire to remove Bill–56–2008 from the pending agenda and consider it this evening.

Bill No. 56–2008 – an ordinance creating a committee to assist, guide and participate in the amendment and revision of the City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) and Official Map (Law Dept) – Introduced at the August 25 meeting of Council; tabled at the September 8 regular meeting

Councilor Waltman moved, seconded by Councilor Baez, to enact Bill 56–2008

Councilor Waltman noted that the creation of this Committee is a starting point to begin the amendment of the zoning ordinance.

Councilor Goodman–Hinnershitz noted the importance in using a proper process to amend the zoning ordinance.

Bill 56–2008 was enacted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7

Nays – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record.

Ordinance – Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled “Failure To Report Lost Or Stolen Firearms”, Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties **(Mayor)**

Ordinance – Amending the 2008 City Of Reading Full–Time Position Ordinance by Eliminating and Creating Positions As Outlined Herein

Ordinance – renumbering Bill No. 54, 55, and 43– 2008 to match that used in the Codified Ordinance Book.

RESOLUTIONS

Resolution 99–2008 – appointing Dennis Straub to an alternate position on the Animal Control Board **(Admin Oversight)**

Resolution 100–2008 – reappointing Ermete Raffaelli to the Planning Commission **(Admin Oversight)**

Resolution 101–2008 – reappointing Elizabeth Stanley to the Charter Board (Admin Oversight)

The Administrative Oversight Committee moved to adopt Resolution 99,100, and 101–2008.

Councilor Marmarou noted the skill and experience of those being reappointed and the energy and knowledge of the candidates being appointed to the Animal Control Board.

Councilor Baez agreed with the remarks made by Councilor Marmarou.

Councilor Goodman–Hinnershitz noted the community spirit of those stepping forward to volunteer on the Boards, Authorities, and Commissions.

Resolution 99,100 and 101–2008 was adopted by the following vote:

Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 7
Nays – 0

Resolution 102–2008 – seeking injunctive or declaratory judgment relief on the proposed sale of the airport parcel (City Council)

Councilor Fuhs moved seconded by Councilor Waltman to adopt Resolution 102–2008.

Council President Spencer explained the background noting that Council began speaking with Airport Authority Representatives when they learned about the proposed sale approximately four years ago. He stated the Airport parcels were transferred over to the City approximately sixty years ago by the War Assets Administration. He stated that the Deed restrictions provide that the land only be used for airport purposes. He noted Council's belief that as

the City is the rightful owner of the parcel, the City should be involved in this real estate transaction.

Councilor Waltman noted the years of discussion on this issue. He noted his review of the legal documents lead him with the belief that the sale does not agree with the intent of those who created the Airport Authority. He agreed that as the City is the rightful owner, Council will need to be involved in this transaction.

Resolution 102–2008 was adopted by the following vote:

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman,
Spencer President – 7**

Nays – 0

COUNCIL COMMENT

Councilor Marmarou noted the diligence of Mr. Chase in holding his landlord accountable. He stated that it is unfortunate that the landlord was not held responsible by the Magisterial District Justice.

Managing Director Hottenstein stated that the Human Relations Commission will be asked to investigate.

Councilor Fuhs noted the success of the town meeting held at Calvary Church and thanked Deputy City Clerk Katzenmoyer for her assistance to arrange the meeting. He stated that he is currently following up on the issues identified by the citizens attending the town meeting.

Councilor Fuhs inquired about the role of the Joyce Foundation with the Mayor's efforts to control fire arms.

Mayor McMahon replied that the Joyce Foundation provides support to anti-gun efforts. He noted support from the Attorney General on this movement. He stated that the Ordinance introduced the evening has undergone intense

scrutiny. He stated that the ordinance requires no further review as it is a no brainer.

Councilor Fuhs stated said he looks forward to debating the Mayor on this issue. He noted that language in the Ordinance does not include references to firearms used in crimes.

Councilor Goodman–Hinnershitz asked the Administration to supply Council with a report in writing as they investigate the issues at 1245 Eckert Avenue.

Councilor Goodman–Hinnershitz noted the work of the Park and Recreation Advisory Committee to tour the City’s parks and playgrounds. She thanked the Deputy City Clerk for assisting in facilitating the Parks and Recreation Advisory Committee.

Councilor Baez noted the upcoming Community Meeting on Thursday October 2nd at the Jamestown Conference Room at 6:30pm.

Councilor Baez also announced the Fund the Fence Fundraiser scheduled for Saturday October 4th from 10 to 2 pm at AME Bethel Church. She stated that this flea market is arranged to raise funds to purchase an install a fence behind AME Bethel Church.

Councilor Waltman congratulated the Hispanic Community and noted his support and belief in the value ethnicity brings to the urban environment.

Councilor Waltman stated that the City is beginning its efforts to enforce the Housing Permit Process. He noted that any process has steps that will help refine the entire program.

Councilor Waltman agreed with the difficulties on the debate of the firearms. He expressed his belief that the legislation offers a middle ground to save lives.

Councilor Sterner noted the beauty of the new murals in many city neighborhoods and their success in deterring graffiti.

Councilor Sterner noted the severity of Alzheimer's disease on those affected and their families.

Councilor Sterner expressed the belief that the City has made progress in enforcing the housing permit process. He noted that the bumps of the enforcement process will be worked out. He noted that during past discussions on the enforcement process, Council requested that an escrow provision be written into Housing Permit Ordinance. He noted that a landlord who loses his income will be more encouraged to comply.

Councilor Sterner again expressed his displeasure that Council tabled the Sidewalk Vendor Ordinance as the Public Safety Committee has worked on that Ordinance for 4 to 6 months. He stated that the Sidewalk Vendor Ordinance was passed last year and is modeled after ordinances used in other Pennsylvania Communities. He stated that the Ordinance sets safety requirements on the equipment used and seeks to regulate a previously unregulated program. He noted the importance of moving this commercial activity to the downtown area.

Councilor Sterner announced the District 6 Crime Watch Meeting on Wednesday October 24th at 6:30 pm at 13th & Green Elementary School. He stated that the meeting will focus on the after school fights around Reading High School. He noted that the Outlet Neighborhood also meets that same evening at 7 pm.

Councilor Goodman-Hinnershitz agreed with the benefits provided by the mural program and the empowerment the programs provides to youth.

Councilor President Spencer agrees with the need to take corrective action at Reading High at dismissal time and throughout the school day. He noted his observation of many school aged children milling around the adjoining neighborhoods throughout the school day.

Council President Spencer and Councilor Fuhs requested an update on the search for a Finance Director. Mr. Hottenstein stated that they are currently

refining the job description. They plan to seek assistance from the Chamber of Commerce and begin to advertise in the GFOA and Reading Eagle.

Council President Spencer noted that he recently attended and spoke at the past zoning hearing board meeting concerning properties purchased by the Reading School District as a citizen, not as President of Council.

Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk



AGENDA MEMO

THOMAS McMAHON, MAYOR
RYAN HOTTENSTEIN, MANAGING DIRECTOR

TO: City Council
FROM: Ryan Hottenstein, Managing Director
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: October 13, 2008
AGENDA MEMO DATE: October 8, 2008
REQUESTED ACTION: Council approve a resolution to authorize the City of Reading to file a Redevelopment Assistance Capital Program Grant

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the City of Reading to file a funding proposal through the State Redevelopment Assistance Capital Program to receive funding (\$5,000,000.00) for the construction of a new science center at Albright College.

BACKGROUND

The State Redevelopment Assistance Capital Program provides funding to assist local communities in revitalizing their economy. The construction of the Albright College Science Center is an eligible project for such assistance.

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the City of Reading to file a Redevelopment Assistance Capital Program grant proposal.

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the Albright College Science Center as a project eligible for such assistance (the "Project"); and

WHEREAS, the Project will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact through the enhancement of Albright College's science curriculum.

NOW THEREFORE BE IT RESOLVED, that the Mayor is authorized to file an application for RACP funds in the amount of \$5,000,000.00 for the Albright College Science Center. The Mayor is further authorized to execute any and all necessary documents as required by the Commonwealth of Pennsylvania.

Adopted on _____, 2008

Vaughn Spencer
President of Council

ATTEST:

Linda A Kelleher
City Clerk

RESOLUTION NO. _____2008

AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING ON WEDNESDAY, NOVEMBER 19, 2008, THE ADVERTISEMENT OF, AND FORWARDING FOR COMMENT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE WHICH WILL ADD DEFINITION OF PERSONAL CARE HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFOR IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT AND ADD THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City Clerk and/or the City Zoning / Planning Division is hereby authorized to perform the following actions as required the Pennsylvania Municipalities Planning Code, 53 PS § 609, in regard to the proposed amendment to the Zoning Ordinance to amend the definition of Personal Care Home, to provide the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (residential), R-3 (residential) and C-R (commercial residential) zoning districts and to correct and add the requirements of residential care facility as a conditional use

1. Schedule a hearing on Wednesday, November 18, 2008 at 5 p.m. in Council Chambers, City Hall;
2. Advertise and provide public notice of the scheduled hearing; and
3. Forward a copy of the proposed Ordinance Amendment to the Berks County Planning Commission and City of Reading Planning Commission requesting their comment.

Adopted by Council _____, 2008

President of Council

Attest:

City Clerk

(Council Staff)

RESOLUTION NO. _____2008

AUTHORIZING THE SCHEDULING OF A PUBLIC HEARING ON WEDNESDAY, NOVEMBER 19, 2008, THE ADVERTISEMENT OF, AND FORWARDING FOR COMMENT THE PROPOSED AMENDMENT TO THE ZONING ORDINANCE WHICH WILL PROHIBIT RENTAL USES – SINGLE FAMILY AND MULTI-FAMILY – IN ALL R-1, R-1A, AND R-2 LOW DENSITY RESIDENTIAL ZONING DISTRICTS

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the City Clerk and/or the City Zoning / Planning Division is hereby authorized to perform the following actions as required the Pennsylvania Municipalities Planning Code, 53 PS § 609, in regard to the proposed amendment to the Zoning Ordinance which will prohibit all rental uses – single family and multi family – in all low density residential zoning districts.

4. Schedule a hearing on Wednesday, November 18, 2008 at 5 p.m. in Council Chambers, City Hall;
5. Advertise and provide public notice of the scheduled hearing; and
6. Forward a copy of the proposed Ordinance Amendment to the Berks County Planning Commission and City of Reading Planning Commission requesting their comment.

Adopted by Council _____,

2008

President of Council

Attest:

City Clerk

(Council Staff)

BILL NO. _____2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 6 CONDUCT BY CREATING A NEW SECTION 402 OF PART A ENTITLED "FAILURE TO REPORT LOST OR STOLEN FIREARMS", WHICH WILL REQUIRE PROMPT NOTIFICATION TO AUTHORITIES OF LOST OR STOLEN FIREARMS AND IMPOSE PENALTIES.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. To amend the City of Reading Codified Ordinances, Chapter 6 Conduct by creating a new Section 402 of Part A as attached hereto in Exhibit "A".

SECTION 2. That all existing sections of Chapter 6, Part A, are hereby renumbered accordingly.

SECTION 3. This ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

EXHIBIT A

Section 402. Failure to Report Lost or Stolen Firearms

1. **Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to appropriate officials of the Reading Police Department within 24 hours after discovery of the loss or theft.
2. **Penalties for Violation.** Any person who violates this Section shall be subject to a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

BILL NO. _____2008

AN ORDINANCE

AN ORDINANCE AMENDING THE 2008 CITY OF READING FULL-TIME POSITION ORDINANCE BY ELIMINATING AND CREATING POSITIONS AS OUTLINED HEREIN.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Reducing the number of Health and Safety Clerks from five (5) to three (3); eliminating three (3) Health and Safety Inspectors; eliminating two (2) Health Inspector II; reducing the number of Property Maintenance Inspectors from sixteen (16) to fifteen (15); creating the position of Chief Clerk; and creating three (3) First Level Supervisor positions. All aforementioned positions are listed in the Codes – Development & Inspection section of the 2008 Fulltime Position Ordinance.

SECTION 2. This amendment to the Fulltime Position Ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

BILL NO. _____-2008

A N O R D I N A N C E

AMENDING BILL NO 55-2008, BILL NO. 54-2008, AND BILL NO. 43-2008 WHICH AMENDED CHAPTER 11 – HOUSING - OF THE RENTAL OF THE CITY OF READING CODIFIED ORDINANCES TO CHANGE THE SECTION NUMBERING TO MATCH THAT USED IN THE CODIFIED ORDINANCE BOOK.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending Bill No. 55-2008, 54-2008 and Bill No. 43-2008, which amended the Chapter 11 – Housing – to re-number all sections to match that used in the Codified Ordinance Book.

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 11 Housing – Rental Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Council Staff)

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFORE IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefore in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. General Definitions is hereby amended to amend or add the following words, terms and definitions:

LIFE CARE RETIREMENT FACILITY - a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes "retirement homes," "assisted or independent living facilities," "personal care home" and similar uses. Excludes "residential care facilities."

NURSING HOME - a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes "residential care facilities."

PART 8
DISTRICTS

§27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 8
DISTRICTS

§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

PART 12
PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

§27-1202. Conditions for Conditional Uses is hereby amended as follows:

7. Residential Care Facility. Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ conditional use, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ conditional use.

A. The following standards shall be for all residential care facilities:

- (1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.
- (2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.
- (3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.
- (4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.
- (5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

- (1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.
- (2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.
- (3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.
- (4) No more than two live-in supervisors shall reside in the group care facility.
- (5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the

residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

~~(6) C.~~ The following standards are for all group care institutions.

~~(7) 1.)~~ The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

~~(8) 2.)~~ A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

~~(9) 3.)~~ At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

~~(10) 4.)~~ The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home – One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING 1-271 OF THE CITY OF READING PERSONNEL CODE (Salary Administration) BY AMENDING THE SALARY RANGE FOR THE COMMUNITY DEVELOPMENT DIRECTOR

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Section 1-271 (8) of the City of Reading Codified Ordinances (Personnel Code) shall be amended to read as follows:

- (a) Managing Director- the Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (b) Chief of Fire and Rescue Services- the Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (c) Chief of Police- the Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$110,000.
- (d) Public Works Director- the Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than \$70,000 and no more than \$85,000.
- (e) Finance Director- the Director of the Department of Finance for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (f) Human Resources Director- the Director of the Department of Human Resources of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000.
- (g) City Solicitor- the director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (h) **Community Development Director- the Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$75,000 and no more than \$100,000.**

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council _____, 2008

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

ORDINANCE _____ - 2008

**AN ORDINANCE OF THE CITY OF READING REQUIRING THAT THE
POW/MIA FLAG BE FLOWN AT ALL CITY OWNED PUBLIC BUILDINGS**

Whereas, while we owe a debt to all the brave men and women who have served our nation at times of utmost peril, a special debt is owed to those who did not return; and

Whereas, the loss of a loved one under any circumstances is tragic, but the pain and suffering experienced by the families of our servicemen and women held in action or missing in action is magnified when the fate of the loved one is unknown; and

Whereas, we are profoundly grateful for the strength and fidelity of family and friends of these brave Americans; their cause, an unwavering dedication to leave no American soldier on the battlefield, is our cause.

Now, therefore, the Council of the City of Reading ordains as follows:

The City of Reading City Council directs that the POW/MIA flag be flown at all City owned public buildings.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Fuhs)

BILL NO. _____-2008
AN ORDINANCE

AMENDING THE CITY OF READING CODIFIED ORDINANCES SECTION 10-1705 CHANGING THE LOCATION AND NUMBER OF MOBILE FOOD VENDORS

SECTION 1. Amending the City of Reading Codified Ordinances Section 10-1705 1 as follows:

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

SECTION 2. Amending the City of Reading Codified Ordinances Section 10-1705 2 (A) as follows:

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines *will be issued annually*. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the

vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

SECTION 3. All other parts of the Ordinance remain unchanged.

SECTION 4. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Council Office)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

PART 17 SIDEWALK VENDORS

§10-1701. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities.

Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

(Ord. 63-2007, 8/13/2007, §1)

§10-1702. Title

This Part shall be known as the "Sidewalk Vendor Ordinance."

(Ord. 63-2007, 8/13/2007, §1)

§10-1703. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

§10-1704. Definitions

For the purpose of this Part, certain terms shall be defined as follows:

COMMERCIAL CORE ZONING DISTRICT - the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

KIOSK - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which, or its enclosure, it situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

SANDWICH BOARD - any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curblin and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE - the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The license must be displayed prominently on each stand, cart, trailer and/or obstruction.

STAND - any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include, but are not limited to, kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms "tables," "carts," "stands" and "trailers" shall be used interchangeably throughout this Part and should be construed to the same meaning.

TRAILER - vehicle designed to be towed by a motor vehicle.

VENDING CART - small, light vehicle moved by hand for the purpose of conducting food sales.

VENDING LICENSE BOARD - Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1710.

VENDING MACHINE - any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.
(Ord. 63-2007, 8/13/2007, §1)

§10-1705. License Required

1. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Core Zoning

District and between the southern border of Franklin Street, the northern border of Washington Street, the western border of ~~8th Street~~ **Front Street** and the eastern border of 11th Street.

2. The restrictions of this Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

A. Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance [Chapter 27] for the zoning district in which the vendor is located. ~~Ten~~ **Fifteen** sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten sidewalk vending licenses for self-serve vending machines **will be issued annually**. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) 48- hour notice.

B. More than Two Licenses Prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

C. License Nontransferable. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

(Ord. 63-2007, 8/13/2007, §1)

§10-1706. Permitting for Sidewalk Vendors Outside the Permitted Area

Applications for sidewalk cafes outside the Commercial Core Zoning District shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

(Ord. 63-2007, 8/13/2007, §1)

§10-1707. License Application

1. Notice of License Availability. Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office.

Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

2. Application. Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of \$50 no later than 4 p.m. on November 15. The application shall at a minimum set forth:

A. True name and address of the applicant. P.O. boxes will not be permitted.

- B. Names and addresses of any employees, other than the owner, who operate the stand.
- C. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in §10-1708 herein.
- D. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State health permits.
- E. A copy of the applicant's business privilege license.
- F. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
- G. A complete listing of the items to be offered for sale or distribution. Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15 as stated above.

3. Review of Applications. Not more than 45 days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

- A. The application is incomplete in any material respect.
- B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
- C. The applicant does not have a business privilege license.
- D. The applicant, or any natural person having an interest in the entity making the application, has:
 - (1) An interest in more than two sidewalk vendor licenses.
 - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
 - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
- E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

4. Each license shall be issued for one calendar year, February 1 to January 31, and shall be subject to review during the calendar year for adherence to the requirements of this Part. (Ord. 63-2007, 8/13/2007, §1)

§10-1708. Design Standards.

1. Design and Appearance.

A. General Requirements. All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office. In addition, vending must comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

- (1) The dimensions of the vending shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels,

handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.

(2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) **License Display.** The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.

(4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.

(5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained

(6) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(7) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

C. Prohibited Features.

(1) Advertising other than the name of the vendor's business or suppliers.

(Advertising must appeal to the sensibilities of the general public.)

(2) Propulsion systems other than manual.

(3) Gas cylinders larger than 20 pounds.

(4) Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).

D. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.

2. **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.

3. **Carts Self-Contained.** All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

4. **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

(Ord. 63-2007, 8/13/2007, §1)

§10-1709. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation.** Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between

the hours of 9:00 am. and 7:30 p.m. from April 1 through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

2. Daily Removal. Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The vendor will be charged for costs, storage and the penalty prescribed under §10-1714 herein.

3. Safe and Sanitary Condition. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times. Sidewalk vendor carts licensed hereunder to sell food products shall:

A. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable State and local codes.

B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. Quiet Operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

5. Use and Maintenance of Sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business.

The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. Public Liability Insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

7. Prohibitions. An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

A. A passable sidewalk width less than 5 horizontal feet.

B. A horizontal projection from the building line in excess of 5 feet.

C. A reduction in sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

§10-1710. Suspension or Revocation of License

A sidewalk vendor license shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

§10-1711. Vending License Board

The Vending License Board shall consist of ~~the~~ one member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one member of the City of Reading Planning Commission or their designee, one employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

A. **Responsibilities.** The Vending License Board shall have the following responsibilities and duties:

- (1) Meet no later than December 30 annually to review and approve vendor license applications.
- (2) Determine vendor locations for each approved applicant within the Commercial Core Zoning District.
- (3) Recommend amendments to this Part to the Council of the City of Reading.

(Ord. 63-2007, 8/13/2007, §1)

§10-1712. Enforcement

This Part will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

(Ord. 63-2007, 8/13/2007, §1)

§10-1713. Construction and Severability

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

§10-1714. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)

BILL NO. _____-2008

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A “CERTIFICATION AND CONSENT OF LANDLORD” THEREBY EVIDENCING THE CITY OF READING’S CONSENT TO THE ASSIGNMENT OF THE REVISED AND RESTATED LEASE AGREEMENT FOR READING MUNICIPAL MEMORIAL STADIUM DATED OCTOBER 25, 1999, AS AMENDED ON AUGUST 28, 2000, AND JANUARY 26, 2004, FROM E & J BASEBALL CLUB, INC., TRADING AS THE READING PHILLIES BASEBALL CLUB, A PENNSYLVANIA CORPORATION, TO READING BASEBALL LP, A PENNSYLVANIA LIMITED PARTNERSHIP.

WHEREAS, the City of Reading and E & J Baseball Club, Inc., trading as the Reading Phillies Baseball Club, a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, are parties to that certain Revised and Restated Lease Agreement for Reading Municipal Memorial Stadium dated October 25, 1999, as amended by First Amendment to Revised and Restated Lease Agreement dated August 28, 2000, and Second Amendment to Revised and Restated Lease Agreement dated January 26, 2004 (collectively the “Lease”); and

WHEREAS, the Lease provides for the assignment thereof should the City of Reading consent thereto; and

WHEREAS, E & J Baseball Club, Inc., trading as the Reading Phillies Baseball Club, has requested that the City of Reading consent to the assignment of the Lease from said E & J Baseball Club, Inc. to Reading Baseball LP; and

WHEREAS, the City of Reading deems said assignment to be proper and beneficial to the City.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute the Certification and Consent of Landlord” attached as Exhibit A hereto thereby evidencing the City of Reading’s consent to the assignment of the Reading Municipal Memorial Stadium Lease (as stated above) from E & J Baseball Club, Inc., trading as the Reading Phillies Baseball Club, a corporation, to Reading Baseball LP, a limited partnership.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor pursuant to City of Reading’s Home Rule Charter, Article II,

Section 219, or as otherwise provided under Section 221, if applicable.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Law)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE COMMUNITY DEVELOPMENT DIRECTOR

SECTION 1. COMPENSATION. The salary of the Community Development Director, Marty Mayes shall be EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. Marty Mayes shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately after its adoption.

Passed Council _____, 2008

President of Council

Attest:

City Clerk

(Managing Director)

**CITY OF READING,
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____
ENACTED OCTOBER 27, 2008**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, AMENDING AN ORDINANCE OF THE CITY PREVIOUSLY ENACTED ON NOVEMBER 30, 2006, THAT AUTHORIZED THE INCURRENCE OF NONELECTORAL DEBT THROUGH THE ISSUANCE OF A SERIES OF GENERAL OBLIGATION BONDS OF THE CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF FIFTY MILLION DOLLARS (\$50,000,000), PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, 53 PA.C.S., CHAPTERS 80-82, AS AMENDED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT (THE "ACT"), TO PROVIDE FUNDS FOR CERTAIN PROJECTS OF THE CITY RECITED THEREIN; PROVIDING THAT SAID ORDINANCE BE AMENDED TO PERMIT THE CITY TO ISSUE THE BONDS AS FIXED RATE BONDS AND AUTHORIZING AND APPROVING THE TERMS AND CONDITIONS OF SUCH FIXED RATE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THIS CITY TO ENTER INTO AN INVESTMENT AGREEMENT OR AGREEMENTS WITH RESPECT TO THE PROCEEDS OF THE GENERAL OBLIGATION BONDS; AUTHORIZING THE TERMINATION OF AN INTEREST RATE MANAGEMENT AGREEMENT PREVIOUSLY EXECUTED WITH RESPECT TO THE BONDS; AUTHORIZING AND DIRECTING SPECIFIED OFFICERS OF THIS CITY TO DO, TAKE AND PERFORM CERTAIN NECESSARY AND/OR APPROPRIATE ACTS AND THINGS RELATING TO SUCH AMENDED ORDINANCE; PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME SHALL BE INCONSISTENT HERewith.

WHEREAS, the Council of this City, by Ordinance dated November 30, 2006 (the "Bond Enabling Ordinance"), authorized and directed issuance of its General Obligation Bonds, Series of 2008 (the "Bonds") in an aggregate principal amount of Fifty Million Dollars (\$50,000,000), to provide funds for and towards certain projects of the City, pursuant to the provisions of the Local Government Unit Debt Act of the Commonwealth, as reenacted and amended (the "Act"); and

WHEREAS, the Bond Enabling Ordinance originally contemplated that the Bonds would be issued in a Weekly Mode and provided for conversion of such Bonds to a Term Mode; and

WHEREAS, the City desires to amend the Bond Enabling Ordinance to permit the Bonds to be issued in a Fixed Mode; and

WHEREAS, the City desires to approve the terms and conditions of the Bonds in the Fixed Mode; and

WHEREAS, the City has heretofore appointed Financial Solutions LLC as its financial advisor (the “Financial Advisor”); and

WHEREAS, the City previously entered into a certain interest rate management agreement (the “Interest Rate Management Agreement”) with Wachovia Bank, National Association (“Wachovia”) pursuant to a Master Agreement as supplemented by a Schedule to Master Agreement and a Confirmation dated December 18, 2006, in order to manage interest rate costs of the City with respect to the Bonds; and

WHEREAS, the City desires to exercise its option to terminate the Interest Rate Management Agreement; and

WHEREAS, under current market conditions, the City would be required to pay a termination fee to Wachovia in connection with the termination of the Interest Rate Management Agreement; and

WHEREAS, the City desires to authorize (i) the termination of the Interest Rate Management Agreement and (ii) the execution of any documents as shall be necessary or appropriate in connection therewith.

The above recitals are deemed to be part of the Ordinance.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA HEREBY ORDAINS AS FOLLOWS:

The City hereby amends Section 1.01 of the Bond Enabling Ordinance to make the following additions or amendments to the definitions contained in such Section 1.01:

“Fixed Mode” shall mean with respect to the Bonds the mode of accruing interest at the Fixed Rate.

“Fixed Rate” shall mean the rate of interest borne by the Bonds for a Fixed Rate Period.

“Fixed Rate Period” shall mean the period of time during which the Bonds are in the Fixed Mode.

“Interest Mode” shall mean the Weekly Mode, the Term Mode or the Fixed Mode.

“Paying Agent” shall mean Manufacturers and Traders Trust Company, and any successor thereto, acting in the capacity of paying agent and sinking fund depositary with respect to the Bonds or, if the City at any time shall have appointed another bank, bank and trust company or national bank to serve as successor paying agent and sinking fund depositary with respect to the Bonds, the successor so appointed and any successor thereto.

“Rate Period” shall mean either the Weekly Rate Period, the Term Rate Period or the Fixed Rate Period.

“Regular Record Date” shall mean, while the Bonds are in the Weekly Mode, the last Business Day preceding a Scheduled Interest Payment Date and, while the Bonds are in a Term Mode or Fixed Mode, the fifteenth (15th) day next preceding a Scheduled Interest Payment Date.

“Scheduled Interest Payment Date” shall mean (i) with respect to Bonds in the Weekly Mode, the first Business Day of each calendar month, and (ii) with respect to Bonds in the Term Mode or the Fixed Mode, each Semiannual Date.

“Tender Agent” shall mean, initially, Manufacturers and Traders Trust Company, in its capacity as tender agent for the Bonds in accordance with the terms of this Ordinance or, if the City at any time shall have appointed another Person with the qualifications required by this Ordinance to serve as successor tender agent for the Bonds, the successor so appointed and its successors.

The City hereby amends Section 3.01(a) of the Bond Enabling Ordinance in its entirety to read as follows:

“While the Bonds are in the Weekly Mode, the form of the Bonds shall be as set forth on Exhibit A attached to the Bond Enabling Ordinance and by this reference made a part of the Bond Enabling Ordinance, with appropriate insertions, omissions and variations; while the Bonds are in the Term Mode, the form of the Bonds shall be substantially as set forth on such Exhibit A but with such insertions, omissions and variations as shall be necessary to reflect the terms and provisions of the Bonds while in the Term Mode, including the redemption provisions applicable to Bonds in the Term Mode, as set forth in the Bond Enabling Ordinance; and while the Bonds are in the Fixed Mode, the form of the Bonds shall be substantially as set forth on Exhibit A attached to this Ordinance, with appropriate insertions, omissions and variations. Bonds in the Weekly Mode shall be issued in principal denominations of \$100,000 and \$5,000 multiples in excess thereof. Bonds in the Term Mode and the Fixed Mode shall be issued in the denominations of \$5,000 or any integral multiple thereof. All Bonds shall be in fully registered form, without coupons, and shall be dated as of the Series Issue Date.”

The City hereby amends Section 3.01(b)(i) of the Bond Enabling Ordinance in its entirety to read as follows:

“The Bonds shall bear interest at the Fixed Rate from the Series Issue Date. The Bonds may be converted from a Weekly Rate to a Term Rate as provided in Section 3.03. Interest on the Bonds for any particular Weekly Rate Period shall be calculated on the basis of a year of 365 or 366-days as appropriate for the actual number of days elapsed. Interest accruing

on the Bonds at a Term Rate or at a Fixed Rate shall be computed on the basis of a year of 360-days based upon twelve 30-day months.”

The City hereby amends Section 3.01(b)(ii) of the Bond Enabling Ordinance by adding the following sentence at the end of such Section 3.01(b)(ii):

“Bonds authenticated and delivered while bearing interest at a Fixed Rate shall set forth on the face thereof, in the place provided for designating the interest rate, the actual interest rate for the applicable Bond with appropriate insertion of the maturity date.”

The City hereby amends Section 3.01(d) of the Bond Enabling Ordinance in its entirety to read as follows:

“While the Bonds are in the Weekly Mode and the Term Mode, the Bonds shall mature on November 1, 2033. While the Bonds are in the Weekly Mode and the Term Mode, the Bonds shall be subject to redemption and tender for purchase prior to stated maturity as provided in Section 5. While the Bonds are in the Fixed Mode, the Bonds shall bear the rate of interest and shall mature on the dates and in the amounts as set forth on Exhibit B attached hereto and made a part hereof. While the Bonds are in the Fixed Mode, the Bonds shall be subject to redemption prior to stated maturity as provided in Section 5. While the Bonds are in the Fixed Mode, the Bonds are not subject to tender for purchase prior to stated maturity.”

The City hereby amends Section 3.10 of the Bond Enabling Ordinance in its entirety to read as follows:

“Section 3.10 Fixed Rate. While the Bonds are in the Fixed Mode, the Bonds shall be fully registered, without coupons, in denominations of \$5,000 or any integral multiple thereof, in substantially the form set forth on Exhibit A attached hereto. The Bonds shall be dated as of November 1, 2008, and shall bear interest from that date at the applicable rates per annum as set forth on Exhibit B attached hereto, payable in accordance with the provisions of the Bonds and this Resolution, semiannually on May 1 and November 1 in each year, beginning May 1, 2009, until maturity or prior redemption.”

The City hereby amends Section 3.11 of the Bond Enabling Ordinance by adding the following sentence at the end of the first sentence of such Section 3.11:

“Notwithstanding anything contained herein to the contrary, the Bonds are not subject to conversion from one Interest Mode to another Interest Mode while the Bonds are in the Fixed Mode.”

The City hereby amends Section 4.03(b) of the Bond Enabling Ordinance by adding the following paragraph to such Section 4.03(b):

“While the Bonds are in the Fixed Mode, the City and the Paying Agent covenant that the Paying Agent, on or before September 15 of each year, commencing September 15, 20__, so long as any Bonds shall remain outstanding, or as soon after such date as shall suit the convenience of the Paying Agent and shall allow sufficient time for mailing of the requisite notice of redemption, as provided for herein, shall select or draw, by lot, in a fair and equitable manner (except in the year 2033, in which all outstanding Bonds will mature on the following November 1), for redemption on the following November 1, a principal amount of Bonds equal to the amount subject to Mandatory Sinking Fund Redemption pursuant to Section 5.01(g) hereof.”

The City hereby amends Section 5.01 of the Bond Enabling Ordinance by adding the following two subparagraphs to such Section 5.01:

“(f) While the Bonds are in the Fixed Mode, the Bonds maturing on or after November 1, 20__, shall be subject to redemption, prior to maturity, at the option of this City, in whole or in part, in any order of maturities, at any time on or after November 1, 20__, at a price equal to 100% of the principal amount of the Bond to be redeemed and accrued interest thereon to the date fixed for such optional redemption. In the event that less than all Bonds of a particular maturity are to be redeemed, the Bonds of such maturity to be redeemed shall be drawn by lot by the Paying Agent.

(g) While the Bonds are in the Fixed Mode, the Bonds stated to mature on November 1, 20__, are subject to mandatory redemption prior to maturity on November 1 of the years (at a price equal to the principal amount of the Bonds called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent.

<u>Year</u>	<u>Principal Amount</u>
-------------	-----------------------------

* At maturity

While the Bonds are in the Fixed Mode, the Bonds stated to mature on November 1, 20__, are subject to mandatory redemption prior to maturity on November 1 of the years (at a price equal to the principal amount of the Bonds called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent.

<u>Year</u>	<u>Principal Amount</u>
-------------	-----------------------------

* At maturity”

The City hereby amends the third sentence in Section 5.02 of the Bond Enabling Ordinance in its entirety as follows:

“Each such notice of redemption shall (i) be deposited in the United States mail, postage prepaid, not more than forty-five (45) days (sixty (60) days if the Bonds are in the Term

Mode or the Fixed Mode) and not less than fifteen (15) days (thirty (30) days if the Bonds are in the Term Mode or the Fixed Mode) prior to the date fixed for redemption, (ii) identify the particular Bonds (or, if applicable, the portions thereof) to be redeemed, including the name of the issue, the date of the issue and the stated maturity date or dates, CUSIP numbers and certificate numbers assigned to the Bonds to be redeemed, (iii) specify the date fixed for redemption and the Redemption Price, (iv) state that, on the date fixed for redemption, the Bonds called for redemption will be payable at-the Designated Office of the Paying Agent upon presentation and surrender thereof; and (v) state that from that date interest on such Bonds (or portions thereof) so called for redemption will cease to accrue.”

The Council of the City hereby authorizes the termination of the Interest Rate Management Agreement and the payment by the City of any required termination fee to Wachovia at the time of such termination. The Council of the City hereby authorizes the Managing Director of the City to determine the date of termination of the Interest Rate Management Agreement and the amount of any required termination fee due to Wachovia upon advise of the Financial Advisor. The Mayor of the City is hereby authorized to execute and deliver, in the name of the City and on its behalf, and as approved by counsel to the City, any and all documents, agreements, instruments and certificates that may be necessary or desirable to effect the termination of the Interest Rate Management Agreement.

The Council hereby authorizes the Mayor of this City, the Managing Director and any other necessary administrators, upon the advise of the Financial Advisor, to conduct a competitive bid process to find a provider of a full-flex investment agreement or agreements or to purchase any other securities or investments (the “Investments”) for the investment of the proceeds of the Bonds. The City hereby approves the execution of one or more investment agreements for investment of the proceeds of the Bonds in connection with the Project. The City hereby authorizes and directs the Mayor of the City to execute and the City Clerk to attest any investment agreement on behalf of the City, in the form approved by the Solicitor and Bond Counsel of the City. The Investments shall be limited to those authorized under law for proceeds of the Bonds.

The action of the officers of the City in advertising a summary of this Ordinance, as required by law, is ratified and confirmed. The officers of the City or any of them, are authorized and directed to advertise a notice of enactment of this Ordinance in a newspaper of general circulation in the City within 15 days after final adoption. The City Clerk is hereby directed to make a copy of this Ordinance available for inspection by any citizen during normal office hours.

The officers and officials of the City are hereby authorized and directed to do, take and perform such acts and things in connection with passage of this Ordinance as an amendment to the Bond Enabling Ordinance, including the filing of a certified copy of this Ordinance with the Paying Agent and Sinking Fund Depositary, the Department, the Solicitor of this City and Bond Counsel.

The remainder of the Bond Enabling Ordinance shall be and remain in full force and effect.

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that the remainder of this Ordinance shall remain in full force and effect.

All Ordinances or parts of Ordinances, insofar as the same shall be inconsistent

herewith, shall be and the same expressly hereby are repealed.

This Ordinance shall be effective in accordance with Section 8003 of the Act.

**DULY ENACTED, THIS 27TH DAY OF OCTOBER, 2008, BY THE COUNCIL
OF CITY OF READING, BERKS COUNTY, PENNSYLVANIA, IN LAWFUL SESSION
DULY ASSEMBLED.**

**CITY OF READING, BERKS COUNTY,
PENNSYLVANIA**

(SEAL)

By _____
President, City Council

Attest: _____
City Clerk

EXHIBIT A
[FORM OF BOND]

REGISTERED
NUMBER R-__

REGISTERED
\$_____

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC") to the City or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

CITY OF READING,
BERKS COUNTY, PENNSYLVANIA

GENERAL OBLIGATION BOND,
SERIES OF 2008

<u>SERIES</u>	<u>ISSUE DATE</u>	<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>CUSIP</u>
	November 1, 2008	_____%	November 1, 20__	

Registered Owner: Cede & Co.

Principal Amount: \$_____

The CITY OF READING, BERKS COUNTY, Pennsylvania (the "City"), a City existing under laws of the Commonwealth of Pennsylvania (the "Commonwealth"), for value received, promises to pay to the order of the Registered Owner hereof, or registered assigns, on the Maturity Date stated hereon, upon surrender hereof, the Principal Amount stated above, unless this General Obligation Bond, Series of 2008 (the "Bond"), duly shall have been called for earlier redemption and payment of the redemption price shall have been made or provided for, and to pay interest on said principal sum, at the Interest Rate set forth above which, if not a fixed, numerical rate, shall be determined as provided in this Bond and in the Ordinance (herein defined), until the principal sum hereof is paid or provision for payment thereof has been made as provided in such Ordinance. Interest on this Bond is payable from the Scheduled Interest Payment Date (herein defined) next preceding the date of registration and authentication of this Bond, unless: (a) this Bond is registered and authenticated as of a Scheduled Interest Payment Date, in which event this Bond shall bear interest from such Scheduled Interest Payment Date; or (b) this Bond is registered and authenticated after a Regular Record Date (herein defined) and before the next succeeding Scheduled Interest Payment Date, in which event this Bond shall bear interest from such Scheduled Interest Payment Date; or (c) this Bond is registered and

authenticated on or prior to the Regular Record Date (herein defined) next preceding May 1, 2009, in which event this Bond shall bear interest from the Series Issue Date set forth above; or (d) as shown by the records of the Paying Agent (hereinafter defined), interest on this Bond shall be in default, in which event this Bond shall bear interest from the date to which interest was last paid on this Bond.

The principal of and premium, if any, on this Bond, are payable upon presentation and surrender of this Bond to Manufacturers and Traders Trust Company (the "Paying Agent"), as paying agent and tender agent for the Bonds, at its corporate trust office in Buffalo, New York, or to any successor paying agent or tender agent duly appointed by the City, at its Designated Office, as that phrase is defined in the Ordinance.

The interest on this Bond is payable on each Scheduled Interest Payment Date by: (i) check drawn on the Paying Agent and mailed to the Holder of this Bond, at the address of such Holder appearing on the registration books maintained by the Paying Agent, or (ii) wire transfer to a bank account of such Holder in the United States, if such Holder is The Depository Trust Company or its nominee or a successor securities depository or if such Holder is the registered owner of Bonds (hereinafter defined) in an aggregate principal amount of \$1,000,000 or more and shall have made a written request for wire payment of interest to the Paying Agent at least fifteen (15) days prior to the Scheduled Interest Payment Date. Payment of the interest hereon shall be made to the person in whose name ownership of this Bond is registered on the registration books maintained by the Paying Agent on behalf of the City at the close of business on the fifteenth (15th) day next preceding the Scheduled Interest Payment Date (the "Regular Record Date"). Any interest that is not timely paid or duly provided for shall cease to be payable to the person in whose name ownership of this Bond is registered as of the Regular Record Date, and shall be payable to the person in whose name this Bond is registered at the close of business on a special record date for the payment of such overdue interest (the "Special Record Date") established by notice mailed by the Paying Agent on behalf of the City not less than fifteen (15) days preceding such Special Record Date and not less than twenty (20) days, but not more than thirty (30) days, prior to date designated for the payment of such interest.

The principal of, premium, if any, and interest on this Bond shall be payable in lawful money of the United States of America.

This Bond is one of a series of bonds of the City, known generally as "City of Reading, Berks County General Obligation Bonds, Series of 2008" (the "Bonds"), in the aggregate principal amount of Fifty Million Dollars (\$50,000,000). The Bonds have been authorized for issuance in accordance with provisions of the Local Government Unit Debt Act (the "Act") of the Commonwealth, and by virtue of an Ordinance duly enacted on November 30, 2006, as amended and supplemented by an Ordinance duly enacted on October 27, 2008 (the "Ordinance") by the City. The Act, as such shall have been in effect when the Bonds were authorized, and the Ordinance shall constitute a contract between the City and registered owners, from time to time, of the Bonds.

In the Ordinance, the City has covenanted with registered owners, from time to time, of the Bonds that shall be outstanding, from time to time, that the City: (i) shall include the amount of the debt service for the Bonds, for each fiscal year of the City in which such sums are

payable, in its budget for that fiscal year, (ii) shall appropriate such amounts from its general revenues for the payment of such debt service, and (iii) shall duly and punctually pay or cause to be paid from the sinking fund established under the Ordinance or from any other of its revenues or funds, the principal of each of the Bonds and the interest thereon at the dates and place and in the manner stated therein, according to the true intent and meaning thereof, and, for such budgeting, appropriation and payment, the City has pledged and does pledge, irrevocably, its full faith, credit and taxing power.

The Bonds maturing on or after November 1, 20__, shall be subject to redemption, prior to maturity, at the option of this City, in whole or in part, in any order of maturities, at any time on or after November 1, 20__, at a price equal to 100% of the principal amount of the Bond to be redeemed and accrued interest thereon to the date fixed for such optional redemption. In the event that less than all Bonds of a particular maturity are to be redeemed, the Bonds of such maturity to be redeemed shall be drawn by lot by the Paying Agent.

The Bonds stated to mature on November 1, 20__, are subject to mandatory redemption prior to maturity on November 1 of the years (at a price equal to the principal amount of the Bonds called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent.

<u>Year</u>	<u>Principal Amount</u>
-------------	-----------------------------

* At maturity

The Bonds stated to mature on November 1, 20__, are subject to mandatory redemption prior to maturity on November 1 of the years (at a price equal to the principal amount of the Bonds called for mandatory redemption plus accrued interest thereon to the date fixed for such mandatory redemption) and in the principal amounts as set forth in the following schedule, as drawn by lot by the Paying Agent.

<u>Year</u>	<u>Principal Amount</u>
-------------	-----------------------------

* At maturity

Bonds may be redeemed in part in denominations of \$5,000 or any integral multiple thereof, but no portion of the Bonds may be redeemed that would result in a Bond which is not in an authorized denomination, unless the moneys scheduled for redemption cannot be used for redemption. For this purpose, the Paying Agent will consider each Bond in a denomination larger than the minimum authorized denomination to be separate Bonds each in the denomination of \$5,000.

Any such redemption shall be upon application of moneys available for such purpose in the Mandatory Sinking Fund established under the Ordinance.

GENERAL PROVISIONS

This Bond shall not be entitled to any benefit under the Ordinance nor shall it be valid, obligatory or enforceable for any purpose until this Bond shall have been authenticated by the Paying Agent. The holder of this Bond, by acceptance hereof, shall be deemed to have assented to all terms and conditions of the Ordinance.

The Bonds are issuable only as registered bonds, without coupons, in the denominations of \$5,000 and any integral multiple thereof.

This Bond may be exchanged for a like aggregate principal amount of Bonds of other authorized denominations, of the same series, maturity and interest rate, upon surrender of this Bond to the Paying Agent, with written instructions for exchange satisfactory to the Paying Agent.

The City and the Paying Agent may deem and treat the registered owner of this Bond as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes, and the City and the Paying Agent shall not be affected by any notice to the contrary. This Bond may be transferred by the registered owner hereof upon surrender of this Bond to the Paying Agent, accompanied by a written instrument or instruments in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the registered owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the registration books and shall authenticate and deliver at the earliest practicable time in the name of the transferee or transferees a new fully registered bond or bonds of the same series, maturity and interest rate in an authorized denomination and in the aggregate principal amount which the registered owner is entitled to receive.

The City and the Paying Agent shall not be required to issue or to register the transfer of or exchange any Bonds then considered for redemption during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day of mailing of the applicable notice of redemption as hereinafter provided.

If less than all Bonds are to be redeemed at one time, the selection of the Bonds to be redeemed shall be made by lot or by such other method as the Paying Agent deems fair and appropriate.

If the Bonds or portions thereof are called for redemption and money for the redemption thereof is held by the Paying Agent on the redemption date, such Bonds or portions thereof to be redeemed shall cease to bear interest, and shall cease to be secured by, and shall not be deemed to be outstanding under, the Ordinance.

Notice of redemption shall be given by mailing a copy of the redemption notice by first class mail, postage prepaid, not more than 60 days and not less than 30 days prior to the date fixed for redemption, to the Holder of each Bond to be redeemed in whole or in part at such Holder's address shown on the registration books for the Bonds maintained by the Paying Agent, as bond registrar. Notice of optional redemption may be conditioned upon the deposit of money sufficient to effect such redemption in the Sinking Fund established under the Ordinance not later than 12:00 noon on the date fixed for redemption and such notice shall be of no effect, and the redemption shall be deemed canceled, unless sufficient money is so deposited.

If this Bond is of a denomination larger than the minimum authorized denomination, a portion of this Bond (in any integral multiple of \$5,000) may be redeemed. In the case of partial redemption of this Bond, payment of the redemption price of the portion of this Bond so called for redemption shall be made only upon surrender of this Bond in exchange for Bonds of authorized denominations in aggregate principal amount equal to the unredeemed portion of the principal amount hereof; Provided, however, that if this Bond is registered in the name of The Depository Trust Company ("DTC") or Cede & Co., as nominee for DTC, or any other nominee of DTC, or any other successor securities depository or its nominee, this Bond need not be surrendered for payment and exchange in the event of a partial redemption hereof and the records of the Paying Agent shall be conclusive as to the amount of this Bond which shall have been redeemed.

All capitalized terms and phrases that are used in this Bond but not defined herein shall have the meanings given thereto in the Ordinance.

It hereby is certified that all acts, conditions and things required to be done, to happen or to be performed as conditions precedent to and in issuance of this Bond or in creation of the debt of which this Bond is evidence have been done, have happened or have been performed in due and regular form and manner, as required by law.

STATEMENT OF INSURANCE

[TO BE SUPPLIED]

(signature page to follow)

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual signature of its Mayor of the City and its official seal to be affixed hereto, duly attested by the manual signature of the City Clerk or Assistant City Clerk of the City.

ATTEST:

CITY OF READING, BERKS COUNTY,
PENNSYLVANIA

City Clerk

By: _____
Mayor

(SEAL)

CERTIFICATE OF AUTHENTICATION,
CERTIFICATE AS TO OPINION AND
CERTIFICATE AS TO INSURANCE

It is certified that:

(i) This Bond is one of the Bonds described in the within-mentioned Ordinance;

(ii) The text of the Opinion attached to this Bond is a true and correct copy of the text of an original Opinion issued by Stevens & Lee, Reading, Pennsylvania, dated and delivered on the date of the original delivery of, and payment for, such Bonds, that is on file at our principal corporate trust office, where the same may be inspected; and

(iii) _____ has issued its municipal bond insurance policy, a copy of which policy is on file at our corporate trust office where the same may be inspected.

MANUFACTURERS AND TRADERS TRUST
COMPANY, as Paying Agent

By: _____

Authorized Representative

Date of Registration and Authentication:

ASSIGNMENT

FOR VALUE RECEIVED, _____, the undersigned, hereby
sells, assigns and transfers unto

_____ (the "Transferee")
Name

Address

Social Security or Federal Employer Identification No. _____ the within
Bond and all rights thereunder and hereby irrevocably constitutes and appoints
_____ as agent to transfer the within Bond on the books kept for registration
thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed:

NOTICE:
Signatures(s) must be guaranteed by
an institution that is a participant in a
signature guarantee program
recognized by the Securities Transfer
Association.

NOTICE: No transfer will be made in the
name of the Transferee unless the
signature(s) to this assignment
correspond(s) with the name(s) appearing
upon the face of the within Bond in every
particular, without alteration or
enlargement or any change whatever and
the Social Security or Federal Employer
Identification Number of the Transferee is
supplied. If the Transferee is a trust, the
names and Social Security or Federal
Employer Identification Numbers of the
settlor and beneficiaries of the trust, the
Federal Employer Identification Number
and date of the trust and the name of the
trustee must be supplied.

EXHIBIT "B"

BILL NO. _____-2008

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING ZONING ORDINANCE PER EXHIBIT "A," TO AMEND THE DEFINITIONS OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME, TO ADD DEFINITION OF PERSONAL CARE HOME, TO PROVIDE THE USE OF LIFE CARE RETIREMENT FACILITY AND NURSING HOME AS A SPECIAL EXCEPTION AND REQUIREMENTS THEREFOR IN THE CITY OF READING R-2 (RESIDENTIAL), R-3 (RESIDENTIAL) AND C-R (COMMERCIAL RESIDENTIAL) ZONING DISTRICTS AND TO CORRECT AND ADD TO THE REQUIREMENTS OF RESIDENTIAL CARE FACILITY AS A CONDITIONAL USE

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A," to amend the definition of Life Care Retirement Facility and Nursing Home, to add definition of Personal Care Home, to provide for the use of Life Care Retirement Facility and Nursing Home as a Special Exception and requirements therefor in the City of Reading R-2 (Residential), R-3 (Residential) and C-R (Commercial Residential) zoning districts and to correct and add to the requirements of Residential Care Facility as a Conditional Use

SECTION 2. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 3. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted _____, 2008

President of Council

Attest:

City Clerk
(LAW)

EXHIBIT A

The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:

PART 22

DEFINITIONS/SPECIFIC WORDS AND PHRASES DEFINED

§27-2202. General Definitions is hereby amended to amend or add the following words, terms and definitions:

PERSONAL CARE HOME - see LIFE CARE RETIREMENT FACILITY AND NURSING HOME

LIFE CARE RETIREMENT FACILITY - a planned residential community, building or part thereof for persons of retirement age, which shall include residential dwelling units, with communal dining, recreation areas, open space, parking and related facilities. Includes "retirement homes," "assisted or independent living facilities," "personal care home" and similar uses. Excludes "residential care facilities."

NURSING HOME - a building or part thereof used for the lodging, boarding and nursing care, on a 24-hour basis, of four or more persons. The term "Nursing Home" shall include nursing and convalescent homes, skilled nursing facilities, intermediate care facilities, infirmaries contained within homes for the aged and personal care home. Excludes "residential care facilities."

PART 8

DISTRICTS

§27-803 R-2 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

[illegible]

PART 8

DISTRICTS

§27-804 R-3 is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

[illegible]

Remove Residential Care Facilities as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

[illegible]

PART 8

DISTRICTS

§27-808 C-R is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses as follows:

SPECIAL EXCEPTION USES:

All uses listed below shall be pursuant to §27-1202 of this Chapter

Minimum Lot Size	Maximum Building Coverage	Maximum Lot Coverage	Maximum Height	Minimum Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Combined Side Yard Setback	Required Site Plan Review
2500	75%	85%	35	40	15	20	8	16	Yes

Remove Group Care Facility as a Special Exception. Add as a Conditional Use per following:

CONDITIONAL USES

All uses listed below shall be pursuant to §27-1203

[illegible]

PART 12
PROVISIONS FOR SPECIAL EXCEPTION AND CONDITIONAL USES

§27-1202. Conditions for Special Exception Uses is hereby amended to add Life Care Retirement Facility and Nursing Home as special exception uses in the R-2, R-3 and C-R City of Reading Zoning Districts:

27-1202(19) Life Care Retirement Facility and Nursing Home as defined herein shall be permitted as special exceptions in the City of Reading Zoning Districts R-2, R-3 and C-R, provided that the following standards are met, all requirements therefor under this Ordinance, along with any other stipulations set forth by the Zoning Hearing Board:

A. A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Life Care Retirement Facility and Nursing Home must meet the standards of the City of Reading building, plumbing, mechanical, electrical and fire codes as required for the type of use. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Life Care Retirement Facility and Nursing Home shall be located within 500 linear feet of any other lot on which is established a Life Care Retirement Facility and Nursing Home or Residential Care Facility, except by variance, measured by the shortest distance between the two lots where the proposed life care retirement facility and nursing home is located (including but not limited to each existing life care retirement facility and nursing home or residential care facility use located in any district which is of a different designation than the district in which the new life care retirement facility and nursing home use is proposed).

G. One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

H. Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

§27-1203. Conditions for Conditional Uses is hereby amended as follows:

7. Residential Care Facility. Residential care facilities, which shall include group care facilities and group care institutions, may be permitted in the R-3 zoning district as a ~~special exception~~ conditional use, provided that the following standards are met along with any other requirements deemed necessary by ~~the Zoning Hearing Board~~ City Council. Group care facilities shall be permitted in the R-2 and C-R zoning districts by ~~special exception~~ conditional use.

A. The following standards shall be for all residential care facilities:

(1) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(2) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day care home, or day care center.

(3) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(4) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(5) The sponsoring social service agency shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(6) Acquire the necessary certificate, sanction and/or license by the Commonwealth of Pennsylvania.

B. The following standards are for all group care facilities:

(1) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(2) No group care facility shall have more than 10 residents at any given time, not including live in supervisors.

(3) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(4) No more than two live-in supervisors shall reside in the group care facility.

(5) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

~~(6)~~ C. The following standards are for all group care institutions.

~~(7)~~ 1. The group institution, by design and intent, shall provide for the long term needs of its residents and shall not accommodate the needs of transient individuals.

~~(8)~~ 2. A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

~~(9)~~ 3. At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

~~(10)~~ 4. The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

PART 16

OFF-STREET PARKING AND LOADING

§27-1603. Off-Street Parking Standards is hereby amended to add the following:

EE: Life Care Retirement Facility and Nursing Home – One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every three patient / client beds.

FF. Residential Care Facility - One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for every four patient / client beds.

B I L L N O. _____ 2008
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES
CHAPTER 27 ZONING BY PROHIBITING ALL RENTAL USES IN AREAS ZONED
FOR LOW DENSITY RESIDENTIAL PURPOSES - R-1, R-1A and R-2.**

WHEREAS, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

WHEREAS, over 50% of all residential properties in the City of Reading are rental properties the City's residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

WHEREAS, as the Fair Share Doctrine allows municipalities to exclude certain uses from specific areas if that use is provided in a reasonable geographic area, residential rental, single family and multi-unit, uses are hereby prohibited from areas zoned R-1, R-1A and R-2 to protect the quality of life in these low density residential zones

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS
AS FOLLOWS:**

SECTION 1. Amending the City of Reading Codified Ordinances - Chapter 27 Zoning by prohibiting all rental uses in R-1, R-1A and R-2 low density residential zoning districts.

SECTION 2. Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status within 30 days of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2008

President of Council

Attest:

City Clerk

(Councilor Marmarou & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Denying the appeal of the Certificate of Appropriateness, as
attached in the findings of fact, for 521 Douglass Street, owned by
Bette Birmingham.

Adopted by Council _____, 2008

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher, City Clerk

Appeal of Historic Architectural Review Board Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
	§	
BETTE BIRMINGHAM	§	CITY OF READING
	§	
OWNER OF 521 DOUGLASS ST	§	CITY COUNCIL
READING, PA	§	
	§	

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Monday, September 29, 2008 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) at their August 19, 2008 meeting on the Certificate of Appropriateness for the installation of a straight spindle railing on the front porch of 521 Douglass Street, owned by Bette Birmingham (Respondent) located in the Centre Park Historic District. By strong majority vote, the HARB voted to deny the application to replace the turned spindle railing with a straight spindled railing on the front porch of the property, as the replaced railing does not comply with the standards set by the U.S. Secretary of the Interior's Standards for Rehabilitation.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is under the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The Historic Preservation Ordinance mandates that the Preservation Specialist, the HARB, and City Council shall be guided by the United States Secretary of the Interior's Standards for Rehabilitation.
3. The Respondent appeared at the August 19, 2008 HARB meeting and requested that the Board issue a Certificate of Appropriateness to allow the replacement of the turned spindle railing with a straight spindle railing. The work had already been completed. HARB denied the Certificate of Appropriateness because the property has a survey rating of 76 and is a significant contributing site within the Historic District. HARB

determined that the project as completed does not comply with the Secretary of the Interior's Standards for Rehabilitation.

4. The Respondent requested an appeal hearing before City Council and was provided with the hearing date by the City Clerk and the Historic Preservation Specialist.
5. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on Monday, September 29, 2008.
6. The Respondent stated that she knew the property was located within the Centre Park Historic District but thought that the contractor she hired had obtained the proper City permits before undertaking the project.
7. The Respondent stated that as many properties in the Centre Park Historic District have different railing styles, she assumed that installing this type of rail was acceptable. She expressed the belief that many property owners have undertaken projects without a HARB approval and she was being singled out.
8. The Respondent stated that she does not have the funds to replace the railing that was installed with the turned spindle railing ordered by the HARB. The Respondent stated that the original turned rails were rotted and required replacement.
9. The Respondent described her work to find a suitable replacement railing and in response to a question from Council the Respondent stated that the Artifacts Bank did not have enough turned spindles available. She noted the cost of the spindles at the Artifacts Bank and at the home improvement store.
10. The Historic Preservation Specialist entered photographs of 521 Douglass Street and neighboring properties from 1978 (before the Centre Park District was created) and current photographs into the record. The photographs show the use of the turned spindle railings on neighboring properties and on the subject property in 1978 and the use of turned spindle railings on neighboring properties at present.
11. The Historic Preservation Specialist reported that Ms. Birmingham admitted that she knew of the need to apply for a Certificate of Appropriateness before hiring a contractor and that she assumed that the contractor had obtained the property permits before beginning the work.
12. The Historic Preservation Specialist stated that in the past the HARB has approved the use of rounded or curved spindles to replace existing turned spindles but has never approved the use of straight spindles as a replacement due to the Secretary of the Interior's Standards for Rehabilitation.

Conclusions of Law

The Historic Preservation Part of the Codified Ordinances of the City of Reading, Pennsylvania, regulates and restricts the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties. Until a Certificate of Appropriateness is issued no construction shall be undertaken, and any construction

which has occurred prior to the issuance of the permit shall, if requested by the Board or City Council, be removed. The project at 521 Douglass Street was completed without the required permits. The Codified Ordinances require the Historic Preservation Specialist, the Historical Architectural Review Board and City Council to uphold the standards issued by the U.S. Secretary of the Interior.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal of the Certificate of Appropriateness for 521 Douglass Street, owned by Bette Birmingham, upholding the decision of the Historical Architectural Review Board. The City of Reading City Council further orders that the straight spindled railing be replaced with either the original turned spindle railing or an alternative approved by the Historic Preservation Specialist and/or Architectural Review Board within 90 days.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.